



ABSTRACT

PUBLIC SERVICES – Department for Women, Children, Disabled & Senior Citizens – Allegation of corruption against Sri D.Subhash Chandra Bose, Asst. Director, O/o the Welfare of Disabled & Sr. Citizens, Adilabad District [now retired] – Trapped by ACB on 01.11.2008 – Acquittal by the Judgment dated 31.10.2014 in C.C.No.05/2011, of the court of Hon'ble II Additional Special Judge for SPE & ACB Cases, Hyderabad – Release of pensionary benefits - Orders - Issued.

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DEPT. FOR WOMEN, CHILDREN, DISABLED AND SENIOR CITIZENS
[ESTT.]

G.O.Rt.No.245,

Dated:28.10.2015.
Read the following:-

1. Procs.No.A1/6334/2008, dated 07.11.2008 O/o the Commissioner, WD&SCs, A.P., Hyderabad.
 2. G.O.Rt.No.74, Dept. for WCD&SC, dated 25.02.2011.
 3. G.O.Rt.No.348, Dept. for WCD&SC [DW], dated 28.10.2013.
 4. From the Hon'ble Court of 2nd Addl. Spl. Judge for SPE & ACB Cases, Hyderabad Judgment 31.10.2014 in C.C.No.05/2011
 5. Govt. Memo No.4962/DW.A2/2008-2, dated 14.10.2009
 6. Representations dated 08.12.2014, 09.04.2015 & 15.05.2015, Sri D.Subhash Chandra Bose, Asst. Director, O/o the Welfare of Disabled & Sr. Citizens, Adilabad District [now retired].
 7. From the Director General, Anti-Corruption Bureau, Telangana State, Hyd., Rc No.262/RCT-KAD/2008, dated 15.09.2005.
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ORDER:-

In the reference 1st read above, the Director, Welfare of Disabled & Senior Citizens, A.P., Hyderabad, issued orders placing Sri D.Subhash Chandra Bose, Assistant Director O/o the Welfare of Disabled & Senior Citizens, Adilabad, under suspension with effect from 01.11.2008 under sub – rule (1) of Rule – 8 of APCS [CCA] Rules, 1991, as he was arrested in ACB trap case on 01.11.2008 and he was produced before the Hon'ble Prl. Special Judge for SPE & ACB cases at Hyderabad and released on bail 17.11.2008 and as such he was under judicial custody for more than 48 hours. In the reference 2nd read above, the Govt., have revoked the suspension of Sri D.Subhash Chandra Bose, Asst. Director, and he was reinstated in to duty on 28.02.2011.

2. In the reference 3rd read above, the Government vide G.O.Rt.No.348, Department for Women, Children, Disabled & Senior Citizens [DW], dated 28.10.2013, have accorded sanction for payment of provisional pension under Rule 52 of A.P.Revised Pension Rules, 1980, to Sri D.Subhash Chandra Bose, Assistant Director, retired O/o the Welfare of Disabled & Senior Citizens, Nizamabad District, to an extent of 75% of the superannuation pension to which he would have been eligible, pending finalization of disciplinary case against him.

P.T.O.

3. In the reference 4th read above, the Hon'ble Court of 2nd Additional Special Judge for SPE & ACB Cases, Hyderabad, in its Judgment dated 31.10.2014, in C.C.No.05/2011, held that the prosecution was not able to prove the charges for the offences against the AO beyond all reasonable doubt and hence the accused is entitled to the benefit of doubt. In the result accused officer was found not guilty for the offences punishable under Section 7 and 13(1)(d) read with 13(2) of Prevention of Corruption Act, 1988. He was acquitted under Section 248 (1) of Cr.P.C. Further, no departmental proceedings are pending against him.

4. In the reference 6th read above, Sri D.Subhash Chandra Bose, Assistant Director, O/o the Welfare of Disabled & Senior Citizens, Adilabad District, [now retired], has submitted representations dated 08.12.2014, 09.04.2015, to Secretary to Government, Department for Women, Children, Disabled & Senior Citizens, for regularization of his suspension period i.e., from 01.11.2008 to 27.02.2011 and for sanction of complete retirement benefits, as he was acquitted from the criminal proceedings.

5. In the reference 7th read above, the Director General, Anti Corruption Bureau, Telangana State, Hyderabad, has informed that the bureau filed Criminal Appeal on 01.05.2015 vide S.R.No.15809/2015 in the Hon'ble high Court of Judicature at Hyderabad for the State of Telangana and State of Andhra Pradesh against the orders dated 31.10.2014 in C.C.No.5/2011 of the Court of Hon'ble II Additional Special Judge for SPE & ACB cases, Hyderabad acquitting Sri D.Subhash Chandra Bose, Assistant Director, O/o the Welfare of Disabled & Senior Citizens., Adilabad [now retired]. Further, he has also informed that no stay was granted by the high Court.

6. After careful examination of the representations of Sri D.Subhash Chandra Bose, Assistant Director (Retired), O/o the Welfare of Disabled & Senior Citizens, and acquittal orders of the court of Hon'ble II Additional Special Judge for SPE & ACB cases, dated.31.10.2014 and keeping in view the appeal pending in the Hon'ble High Court, Government have considered that Sri D.Subhash Chandra Bose was not fully exonerated from the charges and acquitted on benefit of doubt only and his suspension is Justified and therefore decided to regularize the suspension period as not duty and to release pensionery benefits w.e.f. 31.10.2014 i.e. from the date of acquittal orders of trial court only instead from the date of retirement.

7. Government therefore hereby accord sanction for release of all pensionery benefits due to him as per Rules w.e.f. 31.10.2014 i.e. from the date of acquittal orders of the Court of Hon'ble II Additional Special Judge for SPE & ACB cases Hyderabad as per orders issued in G.O.Ms.No.2, Finance (FR.II) Department, dated.04.01.2006 and also to regularize his suspension period from 01.11.2008 to 27.02.2011 as "Not Duty" under FR B (7) as he was acquitted on benefit of doubt and suspension is considered as Justified and also the pay & allowances payable to him for the period of suspension shall be limited to subsistence allowance already paid to him under FR 53 as per FR 54 (B) (5) as amended in G.O.Ms.No.30, Finance (FR.II) Department, dated.15.02.2007, subject to review on the outcome of the Judgment in the appeal pending in the Hon'ble High Court.

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8. The Director, Welfare of Disabled & Senior Citizens, Telangana State, Hyderabad, shall take further necessary action in the matter accordingly and acknowledge the receipt of the order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

M. JAGADEESHWAR,
SECRETARY TO GOVERNMENT.

To

Sri D.Subhash Chandra Bose, Asst. Director, O/o the Welfare of Disabled & Sr. Citizens, Adilabad District [now retired] **through** the Director, WD&SCs, Telangana State, Hyderabad.

The Director, Welfare of Disabled & Senior Citizens, Telangana State, Hyderabad.

Copy to:-

The Accountant General [A&E], Telangana State, Hyderabad.
SF/SCs.

/ / FORWARDED :: BY ORDER / /

SECTION OFFICER